

**Part C State Annual Performance Report (APR) for FFY 2012****Overview of the Annual Performance Report Development:**

Since FFY 2010, North Dakota (ND) has been engaged in improving General Supervision, and in doing so, has taken advantage of national technical assistance (TA) resources from a number of entities, as reported in the past two Annual Performance Reports. To assist with ongoing accountability, the ND Interagency Coordinating Council established a standing agenda item to review General Supervision activities on a quarterly basis. In order to continue to improve our General Supervision system and our federal Level of Determination, ND has continued to access national TA during FFY 2012. ND utilized national TA on the following dates in FFY 2012:

General Supervision/APR Preparation/Part C Regulation Implementation –  
DAC/MPRRC/NECTAC

- July 23, 2012-TA Call
- August 16, 2012-TA Call
- September 5-7, 2012-On-site TA with ND State Team
- October 22-24, 2012-On-site TA with ND State Team
- October 25, 2012-On-site TA with ND State Team
- November 15, 2012-TA Call
- January 29, 2013-TA Call
- January 30, 2013-TA Call
- February 9, 2013-TA Call
- April 15-17, 2013-On-site TA with ND State Team
- June 4, 2013-TA Call

Outcomes from this technical assistance include the following:

- Finalized, published and trained on the State Transition Guidelines in cooperation with North Dakota Part B
- Implemented the potentially eligible definition and state opt-out policy
- Finalized the Memorandum of Agreement with Part B
- Finalized State policies, including the System of Payment

The ND Department of Human Services (ND DHS), as the Part C Lead Agency, reviewed all of the indicator data and corresponding improvement activities with the ND Interagency Coordinating Council (NDICC) on January 17<sup>th</sup>, 2014.

ND utilizes a web-based electronic record, Therap, which contains a majority of the data ND is required to report.

Data sources used to complete the FFY 2012 Annual Performance Report included:

Indicator #1 –Therap

Indicator #2 – 618 Table #2; Therap

Indicator #3 – Child PAR Assessment; Therap

Indicator #4 – ECO Family Survey Results; Therap

## APR Template – Part C (4)

North Dakota  
State

Indicator #5 – 618 Table #1  
Indicator #6 – 618 Table #1  
Indicator #7 – Therap  
Indicator #8 – Therap; Case Review Tool  
Indicator #9 – Therap; Case Review Tool  
Indicator #12 – NA  
Indicator #13 – 618 Table #4  
Indicator #14 – Related Federal Reporting

North Dakota is divided into **eight** regions. Each region has **one** DD Program Management (service coordinators) Unit through the Regional Human Service Center. For FFY 2012, **six** of the regions had **one** Infant Development program, and **two** of the regions had **two** Infant Development programs. For monitoring purposes, the regional program is defined as a regional DD Program Management Unit (Service Coordinators) and an Infant Development Program.

**Part C State Annual Performance Report (APR) for FFY 2012****Overview of the Annual Performance Report Development:**

Refer to pages 1-2 of this document

**Monitoring Priority: Early Intervention Services In Natural Environments**

**Indicator 1:** Percent of infants and toddlers with IFSPs who receive the early intervention services on their IFSPs in a timely manner.

(20 U.S.C. 1416(a)(3)(A) and 1442)

**Measurement:**

Percent = [(# of infants and toddlers with IFSPs who receive the early intervention services on their IFSPs in a timely manner) divided by the (total # of infants and toddlers with IFSPs)] times 100.

Account for untimely receipt of services, including the reasons for delays.

<b>FFY</b>	<b>Measurable and Rigorous Target</b>
2012	100% of infants and toddlers with IFSP's will receive the early intervention services on their IFSP's on or before the start date indicated on their signed IFSP.

**Actual Target Data for FFY 2012:**

In FFY 2012, **94.4%** of infants and toddlers with IFSPs received the early intervention services on their IFSPs on or before the start date indicated on their signed IFSP.

Data for Indicator 1 is taken from North Dakota's state electronic record system, Therap. North Dakota was able to obtain a full year of data for reporting on Indicator 1, using Therap, for FFY 2012. In FFY 2012, North Dakota had **ten** early intervention programs across the state.

The definition for timely initiation of services in North Dakota is the occurrence of those services starting prior to or on the date agreed to on the IFSP. We consider all new services whether on an initial IFSP or subsequent annual IFSP, including periodic reviews. Data are collected through an electronic report completed in Therap by our service coordinators.

For the purposes of the FFY 2012, data were considered from all IFSPs completed between 7/1/12 and 6/30/13. This review resulted in IFSPs with new services for **826** children. Out of those **826** children, **691** children experienced services starting on or before the dates agreed to in the IFSP.

The data indicated that **135** children had services that did not begin on or before the stated date on their IFSPs. Of those **135**, there were **87** documented cases of delays due to exceptional family reasons and **2** documented cases of delay due to severe weather. **Forty-six (46)** children experienced a delay due to program reasons.

**Infants and Toddlers with IFSPs who receive Early Intervention Services in a Timely Manner:**

a. Number of infants and toddlers with IFSPs who receive the early intervention services on their IFSPs in a timely manner	<b>780</b>
b. Total number of infants and toddlers with IFSPs	<b>826</b>
Percent of infants and toddlers with IFSPs who receive the early intervention services on their IFSPs in a timely manner (Percent = [(a) divided by (b)] times 100)	<b>94.4%</b>

**Discussion of Improvement Activities Completed and Explanation of Progress or Slippage that occurred for FFY 2012:**

***Improvement Activities:***

Improvement Activities 1, 2, 3, 3A, 4, 5, 5A, 5B, 8, 8A, 8B, 10, 11, 12, 13 and 15 have been reported on earlier APR's as completed. Improvement Activities 6, 9A, and 14 are being reported as completed. Improvement Activities 7 and 16 have been discontinued.

Activity	Timeline	Resources
6. Complete study of location of service providers and discipline specific availability and the impact on children and family services.	Completed	Part C Coordinator, NDICC, Local Program Coordinators, DD Program Administrators, and NDICC EI Services Subcommittee
7. Study adequacy of 1:45 Service Coordinators ratio.	Discontinue	Part C Coordinator, DD Program Administrators
9A. Local EI Programs and DD Program Managers will understand the competency system and fully implement it within their local programs. (Revision FFY '10)	Completed	Part C Coordinator, Family Liaison Project, NDICC EI Services Subcommittee, Regional Experienced Parents, Local EI Program Coordinators, and DD Program Administrators
14. Provide training to DD Program	Completed	Part C Coordinator, State

Management on assisting families to learn about the parameters of service delivery, including expectations, roles, responsibilities, and rights.		Family Liaison, and State TA
16. Develop materials for parents who have hospitalized infants to assist with access to SSI and ND Medicaid. Provide training to DD Program Managers on above referenced materials and how to discuss with families.	Discontinue	Part C Coordinator, State Family Liaison

***Explanation of Progress:***

North Dakota's performance on timely initiation of services has improved from a performance of **92.7%** in FFY 2011 to **94.5%** in FFY 2012. While the state did not meet the federal target of **100%**, the state made improvement in this indicator.

In reviewing the local program data, the majority (**nine**) of the programs had performance above 90%. **Three** of those **nine** programs were at **100%**. We had **one** program that had performance under **90% (85%)**. Without this **one** program included in the state calculation, North Dakota's performance would be at **96.5%**.

Based on the FFY 2012 data, **seven** programs had noncompliance:

- The **seven** programs that had noncompliance will be issued letters of findings by April 1, 2014. The state will continue to track correction of noncompliance until verification is completed according to federal requirements for Prong 1 and Prong 2.

**Discussion of Noncompliance from FFY 2008, 2009, 2010**

The state issued findings for noncompliance found in FFY 2008, FFY 2009, and FFY 2010 in January, 2012 to **nine** programs.

- As was reported in the FFY 2011 APR, **eight** programs corrected their noncompliance within six months of the time the finding was issued. Verification of the correction for the eight findings was made according to OSEP memo 09-02. Specifically, in each instance, the State verified that the EIS programs: (1) were correctly implementing the specific regulatory requirements (i.e., achieved 100% compliance) based on a review of updated data, via record review and State data system (**Prong 2**); and (2) corrected each individual case of noncompliance, except for children who were no longer within the jurisdiction of the EIS program (**Prong 1**).
- There was **one** of the nine programs that continued in noncompliance at the time of the FFY 2011 reporting. This program corrected their noncompliance on September 5, 2013. Verification of the correction for the finding was made according to OSEP memo 09-02. Specifically, in this instance, the State verified that the EIS program: (1) was correctly implementing the specific regulatory requirements (i.e., achieved 100% compliance) based on a review of updated

data, via record review and State data system (**Prong 2**); and (2) corrected each individual case of noncompliance, except for children who were no longer within the jurisdiction of the EIS program (**Prong 1**). This program had full compliance on their FFY 2011 and FFY 2012 data for this indicator as well.

**Discussion of Noncompliance from FFY 2011**

The state issued findings for noncompliance found in FFY 2011 in April 2013 to **nine** programs.

- As of September 5, 2013, **nine** programs corrected their noncompliance. Verification of the correction for the **nine** findings was made according to OSEP memo 09-02. Specifically, in each instance, the State verified that the EIS programs: (1) were correctly implementing the specific regulatory requirements (i.e., achieved 100% compliance) based on a review of updated data, via record review and State data system (**Prong 2**); and (2) corrected each individual case of noncompliance, except for children who were no longer within the jurisdiction of the EIS program (**Prong 1**).

**Revisions, with Justification, to Proposed Targets / Improvement Activities / Timelines / Resources for FFY 2012**

It is the opinion of the State that our current Improvement Activities meet our needs at this time and no revision is required.

**Part C State Annual Performance Report (APR) for FFY 2012****Overview of the Annual Performance Report Development:**

Refer to pages 1-2 of this document

**Monitoring Priority: Early Intervention Services In Natural Environments**

**Indicator 2:** Percent of infants and toddlers with IFSPs who primarily receive early intervention services in the home or community-based settings.

(20 U.S.C. 1416(a)(3)(A) and 1442)

**Measurement:** Percent = [(# of infants and toddlers with IFSPs who primarily receive early intervention services in the home or community-based settings) divided by the (total # of infants and toddlers with IFSPs)] times 100.

FFY	Measurable and Rigorous Target
2012	97.4% of infants and toddlers with IFSP's will primarily receive early intervention services in their home or programs for typically developing children.

**Actual Target Data for FFY 2012:**

There were **943** children in FFY 2012 child count. **Nine hundred and thirty (930)** children primarily received services in home + **ten (10)** children primarily received services in community = **940** children

$$99.68\% = (940/943) \times 100$$

**Target met for FFY 2012**

Table 2 of 618 indicated **930** children primarily received early intervention services in their home and **14** children primarily received early intervention services in community based settings for typically developing peers. **Three (3)** children primarily received early intervention services in "other" settings that are not designed for typically developing peers. There were a total of **943** children reported on the 618 table on 12/01/2012.

**Discussion of Improvement Activities Completed and Explanation of Progress or Slippage that occurred for FFY 2012:*****Improvement Activities:***

Improvement Activities 1, 2, 3, 4, 4A, 5, 5A, 6, & 9 have been reported as completed on previous APRs. Improvement Activity 10 was discontinued in a previous APR. Improvement Activities 7 and 8 are being reported as completed. Improvement Activity 11 is not due for completion until 6.30.14.

7. Promote support for infants and toddlers with disabilities and/or challenging behavior in child care settings by collaborating with the ND Early Childhood/Child Care coordinator and subsequent partners such as ND Child Care Resource and Referral to assess needs in child care settings in order to promote inclusion of children with disabilities. (Revision FFY '11)	Completed	Part C Coordinator, NDCPD, State TA, ND Head Start Association, ND Resource and Referral, ND Early Childhood Services Administrator
8. Develop and deliver technical assistance for Infant Development staff regarding effective consultation techniques in childcare settings	Completed	Part C Coordinator, Technical Assistance and Training Project
11. Develop a state brochure, accessible for families in their native language/format, which defines North Dakota's philosophy and guidelines for delivering family-guided, routine-based services.	6.30.14	Part C Coordinator, State TA, State Family Liaison, NDICC, EI Services Subcommittee

***Explanation of Progress:***

The FFY 2012 performance for this indicator is **99.68%**. This represents progress from **99.02%** in FFY 2011. North Dakota exceeded its target.

**Revisions, with Justification, to Proposed Targets / Improvement Activities / Timelines / Resources for FFY 2012**

It is the opinion of the State that our current Improvement Activities meet our needs at this time and no revision is required.



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**Monitoring Priority: Early Intervention Services In Natural Environments****Indicator 3:** Percent of infants and toddlers with IFSPs who demonstrate improved:

- A. Positive social-emotional skills (including social relationships);
- B. Acquisition and use of knowledge and skills (including early language/communication); and
- C. Use of appropriate behaviors to meet their needs.

(20 U.S.C. 1416(a)(3)(A) and 1442)

**Measurement:****A. Positive social-emotional skills (including social relationships):**

- a. Percent of infants and toddlers who did not improve functioning =  $\left[ \frac{\text{\# of infants and toddlers who did not improve functioning}}{\text{\# of infants and toddlers with IFSPs assessed}} \right] \times 100$ .
- b. Percent of infants and toddlers who improved functioning but not sufficient to move nearer to functioning comparable to same-aged peers =  $\left[ \frac{\text{\# of infants and toddlers who improved functioning but not sufficient to move nearer to functioning comparable to same-aged peers}}{\text{\# of infants and toddlers with IFSPs assessed}} \right] \times 100$ .
- c. Percent of infants and toddlers who improved functioning to a level nearer to same-aged peers but did not reach it =  $\left[ \frac{\text{\# of infants and toddlers who improved functioning to a level nearer to same-aged peers but did not reach it}}{\text{\# of infants and toddlers with IFSPs assessed}} \right] \times 100$ .
- d. Percent of infants and toddlers who improved functioning to reach a level comparable to same-aged peers =  $\left[ \frac{\text{\# of infants and toddlers who improved functioning to reach a level comparable to same-aged peers}}{\text{\# of infants and toddlers with IFSPs assessed}} \right] \times 100$ .
- e. Percent of infants and toddlers who maintained functioning at a level comparable to same-aged peers =  $\left[ \frac{\text{\# of infants and toddlers who maintained functioning at a level comparable to same-aged peers}}{\text{\# of infants and toddlers with IFSPs assessed}} \right] \times 100$ .

If a + b + c + d + e does not sum to 100%, explain the difference.

**B. Acquisition and use of knowledge and skills (including early language/communication):**

- a. Percent of infants and toddlers who did not improve functioning =  $\left[ \frac{\text{\# of infants and toddlers who did not improve functioning}}{\text{\# of infants and toddlers with IFSPs assessed}} \right] \times 100$ .
- b. Percent of infants and toddlers who improved functioning but not sufficient to move nearer to functioning comparable to same-aged peers =  $\left[ \frac{\text{\# of infants and toddlers who improved functioning but not sufficient to move nearer to functioning comparable to same-aged peers}}{\text{\# of infants and toddlers with IFSPs assessed}} \right] \times 100$ .
- c. Percent of infants and toddlers who improved functioning to a level nearer to same-aged peers but did not reach it =  $\left[ \frac{\text{\# of infants and toddlers who improved functioning to a level nearer to same-aged peers but did not reach it}}{\text{\# of infants and toddlers with IFSPs assessed}} \right] \times 100$ .

same-aged peers but did not reach it) divided by (# of infants and toddlers with IFSPs assessed)] times 100.

- d. Percent of infants and toddlers who improved functioning to reach a level comparable to same-aged peers = [(# of infants and toddlers who improved functioning to reach a level comparable to same-aged peers) divided by (# of infants and toddlers with IFSPs assessed)] times 100.
- e. Percent of infants and toddlers who maintained functioning at a level comparable to same-aged peers = [(# of infants and toddlers who maintained functioning at a level comparable to same-aged peers) divided by (# of infants and toddlers with IFSPs assessed)] times 100.

If a + b + c + d + e does not sum to 100%, explain the difference.

**C. Use of appropriate behaviors to meet their needs:**

- a. Percent of infants and toddlers who did not improve functioning = [(# of infants and toddlers who did not improve functioning) divided by (# of infants and toddlers with IFSPs assessed)] times 100.
- b. Percent of infants and toddlers who improved functioning but not sufficient to move nearer to functioning comparable to same-aged peers = [(# of infants and toddlers who improved functioning but not sufficient to move nearer to functioning comparable to same-aged peers) divided by the (# of infants and toddlers with IFSPs assessed)] times 100.
- c. Percent of infants and toddlers who improved functioning to a level nearer to same-aged peers but did not reach it = [(# of infants and toddlers who improved functioning to a level nearer to same-aged peers but did not reach it) divided by the (# of infants and toddlers with IFSPs assessed)] times 100.
- d. Percent of infants and toddlers who improved functioning to reach a level comparable to same-aged peers = [(# of infants and toddlers who improved functioning to reach a level comparable to same-aged peers) divided by the (# of infants and toddlers with IFSPs assessed)] times 100.
- e. Percent of infants and toddlers who maintained functioning at a level comparable to same-aged peers = [(# of infants and toddlers who maintained functioning at a level comparable to same-aged peers) divided by the (# of infants and toddlers with IFSPs assessed)] times 100.

**Summary Statements for Each of the Three Outcomes:**

**Summary Statement 1:** Of those infants and toddlers who entered or exited early intervention below age expectations in each Outcome, the percent who substantially increased their rate of growth by the time they turned 3 years of age or exited the program.

**Measurement for Summary Statement 1:** Percent = # of infants and toddlers reported in progress category (c) plus # of infants and toddlers reported in category (d) divided by [# of infants and toddlers reported in progress category (a) plus # of infants and toddlers reported in progress category (b) plus # of infants and toddlers reported in progress category (c) plus # of infants and toddlers reported in progress category (d)] times 100.

**Summary Statement 2:** The percent of infants and toddlers who were functioning within age expectations in each Outcome by the time they turned 3 years of age or exited the program.

**Measurement for Summary Statement 2:** Percent = # of infants and toddlers reported in progress category (d) plus [# of infants and toddlers reported in progress category (e) divided by the total # of infants and toddlers reported in progress categories (a) + (b) + (c) + (d) + (e)] times 100.

**Targets and Actual Data for Part C Children Exiting in FFY 2012 (2012-13)**

Summary Statements	Actual FFY 2011 (% and # children)	Actual FFY 2012 (% and # children)	Target FFY 2012 (% of children)
<b>A. Social-Emotional Skills</b>			
1. Of those children who entered or exited the program below age expectations in Outcome A, the percent who substantially increased their rate of growth by the time they exited the program. <b>Formula: <math>c+d/a+b+c+d</math></b>	35.8%	37.7%	34.7%
2. The percent of children who were functioning within age expectations in Outcome A by the time they exited the program. <b>Formula: <math>d+e/a+b+c+d+e</math></b>	39.7%	44.6%	61.7%
<b>B. Skill Acquisition</b>			
1. Of those children who entered or exited the program below age expectations in Outcome B, the percent who substantially increased their rate of growth by the time they exited the program. <b>Formula: <math>c+d/a+b+c+d</math></b>	56.7%	61.1%	48.7%
2. The percent of children who were functioning within age expectations in Outcome B by the time they exited the program. <b>Formula: <math>d+e/a+b+c+d+e</math></b>	37.0%	46.2%	53.2%
<b>C. Appropriate Behavior</b>			
1. Of those children who entered or exited the program below age expectations in Outcome C, the percent who substantially increased their rate of growth by the time they exited the program. <b>Formula: <math>c+d/a+b+c+d</math></b>	58.8%	67.42%	65.7%
2. The percent of children who were functioning within age expectations in Outcome C by the time they exited the program. <b>Formula: <math>d+e/a+b+c+d+e</math></b>	61.1%	67.9%	82.2%

**Progress Data for Part C Children FFY 2012**

A. Positive social-emotional skills (including social relationships):	Number of children	% of children
a. Percent of children who did not improve functioning	19	5.8%
b. Percent of children who improved functioning but not sufficient to move nearer to functioning comparable to same-aged peers	128	39.1%
c. Percent of children who improved functioning to a level nearer to same-aged peers but did not reach	34	10.5%
d. Percent of children who improved functioning to reach a level comparable to same-aged peers	55	16.8%
e. Percent of children who maintained functioning at a level comparable to same-aged peers	91	27.8%
Total	N= 327	100%
B. Acquisition and use of knowledge and skills (including early language/communication and early literacy):	Number of children	% of children
a. Percent of children who did not improve functioning	6	1.8%
b. Percent of children who improved functioning but not sufficient to move nearer to functioning comparable to same-aged peers	103	31.5%
c. Percent of children who improved functioning to a level nearer to	67	20.5%

same-aged peers but did not reach		
d. Percent of children who improved functioning to reach a level comparable to same-aged peers	104	31.8%
e. Percent of children who maintained functioning at a level comparable to same-aged peers	47	14.4%
Total	N=327	100%
<b>C. Use of appropriate behaviors to meet their needs:</b>	<b>Number of children</b>	<b>% of children</b>
a. Percent of children who did not improve functioning	7	2.1%
b. Percent of children who improved functioning but not sufficient to move nearer to functioning comparable to same-aged peers	65	19.9%
c. Percent of children who improved functioning to a level nearer to same-aged peers but did not reach	33	10.1%
d. Percent of children who improved functioning to reach a level comparable to same-aged peers	116	35.5%
e. Percent of children who maintained functioning at a level comparable to same-aged peers	106	32.4%
Total	N=327	100%

The tool utilized in North Dakota to measure this indicator was developed by the Oregon Department of Education and Portland State University through a grant from OSEP. Cut off points received from Portland State University are used to compare children at entry and exit with same age peers across 16 foundation areas. The foundations are then mapped to the three outcomes areas addressed in this indicator.

### **Discussion of State Targets:**

The targets below do not represent a revision from what was reported in the FFY 2009. Stakeholders reviewed them again in January 2013 and elected to make no revisions.

Summary Statements	Social Emotional Skills		Acquiring and Using Knowledge and Skills		Taking Appropriate Action to Meet Needs	
	FFY 2011	FFY 2012	FFY 2011	FFY 2012	FFY 2011	FFY 2012
1. Of those children who entered the program below age expectations, the percent that substantially increased their rate of growth by the time they exited. (d+e/a+b+c+d) X 100 = %	34.6 %	34.7%	48.6%	48.7%	65.6%	65.7%
2. Percent of children who were functioning within age expectation by the time they exited. (d+e/a+b+c+d+e) X 100=%	61.6%	61.7%	53.1%	53.2%	82.1%	82.2%

**Discussion of Improvement Activities Completed and Explanation of Progress or Slippage that occurred for FFY 2012:*****Improvement Activities:***

Improvement Activities 2, 4, 5, 7 & 8 were reported as completed in earlier APRs. Improvement Activities 6 & 9 were discontinued in previous APRs. Improvement Activities 1 and 3 are not due for completion until 6.30.14.

<b>Improvement Activities</b>	<b>Timelines</b>	<b>Resources</b>
1. Identify, select, and implement use of new assessment tool to measure progress.	6.30.14	Part C Coordinator, State TA, NDICC Early Intervention Services Subcommittee, State Information Technology Department, National TA Centers
3. Develop information regarding the purpose of Child Outcome data and design a distribution plan for sharing the information with families.	6.30.14	Part C Coordinator, Family Liaison Project

***Explanation of Progress:***

North Dakota's percentages demonstrated progress for each outcome in both summary statements for FFY 2012. North Dakota did meet targets in summary statement A1, B1, and C1. North Dakota's performance was below our state targets in summary statement A2, B2, and C2. This is an improvement from the previous year as percentages in every summary statement increased toward the target in FFY 2012, and the state did meet the target for C1 in FFY 2012, which it did not in FFY 2011.

In FFY 2012, **60.4%** of children who exited the program during that year had an exit PAR while **53.7%** had an exit PAR the previous year demonstrating an increase in data collection. The state has worked to improve the electronic database used for storing the data. Two years ago, an edit was created in our statewide electronic data base that will not allow a case to be closed unless the exit assessment has been completed.

North Dakota is in the process of replacing the current assessment tool that is being used to inform this indicator, due to number of inadequacies as noted below.

The current tool, which was originally developed out of the state of Oregon, has not sustained continued development and is outdated. On December 8, 2011, North Dakota addressed the issue with the North Dakota Interagency Coordinator Council (NDICC) and the members endorsed the need to pursue new measurement tools. In October 2012, North Dakota's Part C coordinator met with Lynne Kahn of the ECO Center to discuss the state's transition to a new tool. The state reviewed possible assessment tools and is in the process of writing a Request for Proposal (RFP) for a new tool, which will be implemented by July 2014.

**Revisions, with Justification, to Proposed Targets / Improvement Activities /  
Timelines / Resources for FFY 2012**

It is the opinion of the State that our current Improvement Activities meet our needs at this time and no revision is required.

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**Monitoring Priority: Early Intervention Services In Natural Environments****Indicator 4:** Percent of families participating in Part C who report that early intervention services have helped the family:

- A. Know their rights;
- B. Effectively communicate their children's needs; and
- C. Help their children develop and learn.

(20 U.S.C. 1416(a)(3)(A) and 1442)

**Measurement:**

- A. Percent = [(# of respondent families participating in Part C who report that early intervention services have helped the family know their rights) divided by the (# of respondent families participating in Part C)] times 100.
- B. Percent = [(# of respondent families participating in Part C who report that early intervention services have helped the family effectively communicate their children's needs) divided by the (# of respondent families participating in Part C)] times 100.
- C. Percent = [(# of respondent families participating in Part C who report that early intervention services have helped the family help their children develop and learn) divided by the (# of respondent families participating in Part C)] times 100.

**Target Data and Actual Target Data for FFY 2012**

Target Data and Actual Target Data	FFY 2012 Target	FFY 2012 Actual	
A. Know their rights	87.4%	186/214	87%
B. Effectively Communicate their children's needs	91.4%	199/214	93%
C. Help their children develop and learn	89.4%	196/214	92%

The ECO Family Outcomes Survey-Revised (FOS-R) was used. A rating of 3, 4, and 5 on the FOS-R survey indicates the family answering the survey felt that their early intervention services had provided good to excellent assistance in helping them.

- **186** families responded with values 3, 4, and 5 to: To what extent has early intervention helped your family know and understand your rights?
- **199** families responded with values 3, 4, and 5 to: To what extent has early intervention helped your family effectively communicate your child's needs?

- **196** families responded with values 3, 4, and 5 to: To what extent has early intervention helped your family be able to help your child develop and learn?

**Discussion of Survey Response Representativeness:**  
**Parent Survey Return Data Percentages**

Race/ Ethnicity	FFY 2011		FFY 2012	
	% of total population surveyed	% of total population returned	% of total population surveyed	% of total population returned
Hispanic or Latino	16/738 = 2.2%	6/197 = 3.0%	15/1177 = 1.2%	0/214 = 0.0%
American Indian	92/738 = 12.5%	13/197 = 6.6%	122/1177 = 10.4%	9/214 = 4.2%
Asian	7/738 = 0.9%	3/197 = 1.5%	11/1177 = 1.0%	4/214 = 1.9%
Pacific Islander	4/738 = 0.5%	1/197 = .5%	4/1177 = 0.3%	0/214 = .00%
Black	13/738 = 1.8%	2/197 = 1.0%	23/1177 = 2.0%	1/214 = 0.5%
2 or more races	16/738 = 2.2%	3/197 = 1.5%	0/1177 = 0.0%	0/214 = 0.0%
White	590/738 = 79.9%	169/197 = 85.8%	975/1177 = 82.8%	194/214 = 90.7%
Unable to Determine	N/A	N/A	27/1177 = 2.3%	6/214 = 2.8%

The ECO Family Outcomes Survey-Revised (FOS-R) was made into a document that can be scanned for ease of analysis. The survey was mailed to all families/caregivers of children of all races and ethnicities who were eligible at least one day during FFY 2012 (7/1/2012-6/30/2013). All surveys were mailed from and returned to the state office with a unique identification number. The identifying number was included in order to attribute the survey data to a particular program and continue more in depth analysis.

A total of **1177** surveys with a cover letter and postage paid envelope were mailed. The amount of surveys sent in FFY 2012 increased from **738** in FFY 2011 because the State sent surveys to families that had children in services for at least **three** months; previously families received a survey if their child had been in services at least **six** months. **Two hundred fourteen (214)** completed surveys were returned for a return rate of **18.2%** in FFY 2012, which decreased from **26.7%** in FFY 2011. There was an increase in total number of surveys received from FFY 2011 when **197** surveys were returned. In FFY 2012, the response rate was representative of the population of North Dakota in the following categories: Asian, White, and unable to determine. In FFY 2012, the response rate was underrepresented in the categories of Hispanic or Latino, American Indian, Black, and Pacific Islander. The rate of returned surveys increased in the categories of Asian and White in FFY 2012 from FFY 2011. The under representativeness of the survey has been an ongoing concern to the state, especially since the American Indian population is the second largest race/ethnicity group of children receiving services in North Dakota.



The State continues to use the following activities to increase the survey return rate for all race/ethnicity populations with the goal of making this area a priority for FFY 2013:

- Allow providers to check the accuracy of mailing lists and addresses of primary caregivers before the survey is mailed
- Hand deliver and explain survey to populations with a typically lower return rate to ensure understanding of the survey purpose
- Analyze local feedback to determine the effectiveness and practicality of an electronic system for data collection
- Analyze the system's ability to manage collected data
- The State will continue to work in conjunction with the provider that works primarily with the Native American population to continue to identify and implement creative ways of increasing this population's survey response rate.
- Utilize Experienced Parent personnel to encourage survey participation
- Continue to use a revised cover letter with the survey document to attempt to increase the response rate and representativeness
- Explore using the Minnesota versions of the FOS-R available in different languages
- Utilize the EI Services Subcommittee of the NDICC to provide recommendations to the Lead Agency on ways to increase the return rate and representative sample

**Discussion of Improvement Activities Completed and Explanation of Progress or Slippage that occurred for FFY 2012:**

***Improvement Activities:***

Improvement Activities 1, 2, 2A, 3, 4, 5, 7 and 8 have been reported as completed in previous APRs. Improvement Activity 6 isn't due for completion until 6.30.14.

6. Develop written guidance on implementing the Experienced Parent program in each region	6.30.14	Part C Coordinator, State Family Liaison, Infant Development Providers
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***Explanation of Progress and Slippage:***

Below is the comparison data for North Dakota Part C, Indicator 4:

	FFY 2011	FFY 2012	Target 2012	Percent increase/decrease
A. Know and understand your rights?	88%	87%	87.4%	-1%
B. Effectively communicate your child's needs?	94%	93%	91.4%	-1%
C. To be able to help your child develop and learn	89.2%	92%	89.4%	+2.8%

Performance on Indicator C-4-A and C-4-B did demonstrate slippage in FFY 2012. Indicator C-4-C showed slight improvement from FFY 2011. Indicators C-4-B and C-4-C did meet the FFY 2012 target.

**Revisions, with Justification, to Proposed Targets / Improvement Activities / Timelines / Resources for FFY 2012:**

It is the opinion of the State that our current Improvement Activities meet our needs at this time and no revision is required.

**Part C State Annual Performance Report (APR) for FFY 2012****Overview of the Annual Performance Report Development:**

Refer to pages 1-2 of this document

**Monitoring Priority: Effective General Supervision Part C / Child Find****Indicator 5:** Percent of infants and toddlers birth to 1 with IFSPs compared to national data.

(20 U.S.C. 1416(a)(3)(B) and 1442)

**Measurement:**

Percent = [(# of infants and toddlers birth to 1 with IFSPs) divided by the (population of infants and toddlers birth to 1)] times 100 compared to national data.

<b>FFY</b>	<b>Measurable and Rigorous Target</b>
2012	<b>1.96</b> percent of the total population of infants and toddlers birth to 1 residing in North Dakota will be identified and found eligible for early intervention services and have an IFSP.

**Actual Target Data for FFY 2012:**

On December 1, 2012 there were **181** children birth to 12 months of age with IFSP's. The number served is from Table 1 (618 data). The total North Dakota population of children birth to 12 months of age is **9122** from US Census 2011 data as reflected in Table C1-9.

$$1.98\% = (181/9122 \times 100)$$

**Met State Target**

The national average for FFY 2012 is **1.06%**. Compared to other states, North Dakota ranks **6<sup>th</sup>** overall according to table C1-9. North Dakota exceeded the national average of **1.06%**.

**Discussion of Improvement Activities Completed and Explanation of Progress or Slippage that occurred for FFY 2012:*****Improvement Activities:***

Improvement Activities 2, 3, 4, 5, & 9 were reported as completed in earlier APRs. Improvement Activities 1, 8 & 10 were discontinued in earlier APRs. Improvement Activity 6 was discontinued and combined with Improvement Activity 7, in the FFY 2010 APR. Improvement Activities 7 & 11 have been discontinued.

7. Contract for development of statewide child find marketing material and distribution plan targeting families of young children, medical community and clergy, Public Health, Health Tracks and WIC	Discontinue	Part C Coordinator
11. Explore the options of an online referral system to expedite EI referrals from the community	Discontinue	Part C Coordinator, ND DHS IT Department

***Explanation of Progress***

North Dakota's birth to one performance for FFY 2012 is **1.98%**. This demonstrates progress from **1.62%** in FFY 2011. The state exceeded the target for FFY 2012 of **1.96%**.

	FFY 2011	FFY 2012	FFY 2012 Target
<b>Served</b>	146	181	
<b>Population</b>	8993	9122	
<b>%</b>	1.62%	1.98%	1.96%

**Revisions, with Justification, to Proposed Targets / Improvement Activities / Timelines / Resources for FFY 2012:**

It is the opinion of the State that our current Improvement Activities meet our needs at this time and no revision is required.

**Part C State Annual Performance Report (APR) for FFY 2012****Overview of the Annual Performance Report Development:**

Refer to pages 1-2 of this document

**Monitoring Priority: Effective General Supervision Part C / Child Find****Indicator 6:** Percent of infants and toddlers birth to 3 with IFSPs compared to national data.

(20 U.S.C. 1416(a)(3)(B) and 1442)

**Measurement:**

Percent = [(# of infants and toddlers birth to 3 with IFSPs) divided by the (population of infants and toddlers birth to 3)] times 100 compared to national data.

<b>FFY</b>	<b>Measurable and Rigorous Target</b>
2012	<b>3.4</b> percent of the total population of infants and toddlers birth to 3 residing in North Dakota will be identified and found eligible for early intervention services and have an IFSP.

**Actual Target Data for FFY 2012:**

On December 1, 2012 there were **943** children birth to 3 years of age with IFSP's. The number served is from Table 1 (618 data). The total North Dakota population of children birth to 3 years of age is 27,529 from US Census 2011 data as reflected in Table C1-9.

$$3.43\% = (943/27529 \times 100)$$

**Met State Target**

Compared to other states, North Dakota ranks **13<sup>th</sup>** overall according to table C1-9. North Dakota exceeded the national average of **2.77%**.

This demonstrates slight progress from the FFY 2011 performance of **3.41%**. North Dakota exceeded the state target.

**Discussion of Improvement Activities Completed and Explanation of Progress or Slippage that occurred for FFY 2012:**

**Improvement Activities:**

Improvement Activities 2, 3, 4, 5, & 9 were reported as completed in earlier APRs. Improvement Activities 1, 8 & 10 were discontinued in earlier APRs. Improvement Activity 6 was discontinued and combined with Improvement Activity 7, in the FFY 2010 APR. Improvement Activities 7 & 11 have been discontinued.

7. Contract for development of statewide child find marketing material and distribution plan targeting families of young children, medical community and clergy, Public Health, Health Tracks and WIC	Discontinue	Part C Coordinator
11. Explore the options of an online referral system to expedite EI referrals from the community	Discontinue	Part C Coordinator, ND DHS IT Department

**Explanation of Progress:**

North Dakota's birth to three performance for FFY 2012 is **3.43%**. This demonstrates progress from **3.41%** in FFY 2011. The state exceeded its target for FFY 2012 of **3.4%**.

	FFY 2011	FFY 2012	FFY 2012 Target
<b>Served</b>	922	943	
<b>Population</b>	27,076	27,529	
<b>%</b>	3.41%	3.43	3.4%

**Revisions, with Justification, to Proposed Targets / Improvement Activities / Timelines / Resources for FFY 2012:**

It is the opinion of the State that our current Improvement Activities meet our needs at this time and no revision is required.

**Part C State Annual Performance Report (APR) for FFY 2012****Overview of the Annual Performance Report Development:**

Refer to pages 1-2 of this document

**Monitoring Priority: Effective General Supervision Part C / Child Find**

**Indicator 7:** Percent of eligible infants and toddlers with IFSPs for whom an initial evaluation and initial assessment and an initial IFSP meeting were conducted within Part C's 45-day timeline.

(20 U.S.C. 1416(a)(3)(B) and 1442)

**Measurement:**

Percent = [(# of eligible infants and toddlers with IFSPs for whom an initial evaluation and initial assessment and an initial IFSP meeting were conducted within Part C's 45-day timeline) divided by the (# of eligible infants and toddlers evaluated and assessed for whom an initial IFSP was required to be conducted)] times 100.

Account for untimely evaluations, assessments, and initial IFSP meetings, including the reasons for delays.

FFY	Measurable and Rigorous Target
2012	<p>100 percent of eligible infants and toddlers will have initial evaluations, initial assessments and an initial IFSP meeting conducted within Part C's 45-day timeline.</p> <p>Accounting for exceptional family circumstances</p>

**Actual Target Data for FFY 2012:**

**97.1%** percent of eligible infants and toddlers had evaluations, assessments and an initial IFSP meeting conducted within 45 days of referral

Data for Indicator 7 is taken from North Dakota's state electronic record system, Therap. North Dakota was able to obtain a full year of data for reporting on Indicator 7, using Therap for FFY 2012. Data were queried from Therap for all referrals from 7.1.12 through 6.30.13 that were found eligible for early intervention services. The fields containing the referral date, eligibility status, and the IFSP meeting date were

compared. At the time of data analysis and during FFY 2012, North Dakota had **ten** local programs operating across the state.

**Seven hundred and fifty-five (755)** infants and toddlers were referred for early intervention services, found eligible, and should have had an initial IFSP meeting during FFY 2012. **Six hundred and eleven (611)** infants and toddlers had an initial IFSP meeting held prior to 45 days from the date of referral. **One hundred forty-four (144)** infants and toddlers had IFSP meetings after the 45 day timeline. Of the **144** meetings held after the 45 day timeline, **120** of the IFSP meetings that were held greater than 45 days were due to family reasons and **2** were due to extreme weather. The remaining **22** IFSP meetings held greater than 45 days were due to program reasons.

**Infants Evaluated and Assessed and provided an Initial IFSP meeting Within Part C's 45-day timeline:**

a. Number of infants and toddlers with IFSPs for whom an evaluation and assessment and an initial IFSP meeting was conducted within Part C's 45-day timeline	<b>733</b>
b. Number of infants and toddlers with IFSPs evaluated and assessed for whom an initial IFSP meeting was required to be conducted	<b>755</b>
Percent of eligible infants and toddlers with IFSPs for whom an evaluation and assessment and an initial IFSP meeting were conducted within Part C's 45-day timeline (Percent = [(a) divided by (b)] times 100)	<b>97.1%</b>

**Discussion of Improvement Activities Completed and Explanation of Progress or Slippage that occurred for FFY 2012:**

***Improvement Activities:***

Improvement Activities 1, 2, 3, 4, 5, 6, 7, 8, 9A, 9B, 9C, 9D, 10, 12, 14, 15 and 16 were reported on earlier APR's as completed. Improvement Activity 13 is not due to be completed until 6.30.14.

13. Design and implement Early Intervention Orientation based on competencies requirements.	6.30.14	Part C Coordinator, Technical Assistance Project, NDICC Early Intervention Services Subcommittee
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***Explanation of Progress:***

North Dakota's performance on meeting the 45 day timeline has improved from a performance in FFY 2011 of **95.1%** to a performance in FFY 2012 of **97.1%**. While the state did not meet the federal target of **100%**, the state made improvement in this indicator.



In reviewing the local program data, there were **seven (7)** of the **ten** programs that had performance at **95% and above**. There was **one** program with **100%**. There were **no** programs below **90%**.

Based on the FFY 2012 data, **nine** programs had noncompliance:

- The **nine** programs that had noncompliance will be issued letters of findings by April 1, 2014. The state will continue to track correction of noncompliance until verification is completed according to federal requirements for Prong 1 and Prong 2.

#### **Discussion of Noncompliance from FFY 2008, 2009, and 2010:**

The state issued findings for noncompliance found in FFY 2008, FFY 2009, and FFY 2010 in January, 2012 to **ten** programs. As of January, 2013:

- As was reported in the FFY 2011 APR, nine programs corrected their noncompliance within six months of the time the finding was issued. Verification of the correction for the eight findings was made according to OSEP memo 09-02. Specifically, in each instance, the State verified that the EIS programs: (1) were correctly implementing the specific regulatory requirements (i.e., achieved 100% compliance) based on a review of updated data, via record review and State data system (**Prong 2**); and (2) corrected each individual case of noncompliance, except for children who were no longer within the jurisdiction of the EIS program (**Prong 1**).
- There was **one** of the nine programs that continued in noncompliance at the time of the FFY 2011 reporting. This program corrected their noncompliance on September 5, 2013. Verification of the correction for the finding was made according to OSEP memo 09-02. Specifically, in this instance, the State verified that the EIS program: (1) was correctly implementing the specific regulatory requirements (i.e., achieved 100% compliance) based on a review of updated data, via record review and State data system (**Prong 2**); and (2) corrected each individual case of noncompliance, except for children who were no longer within the jurisdiction of the EIS program (**Prong 1**).

#### **Discussion of Noncompliance from FFY 2011:**

The state issued findings for noncompliance found in FFY 2011 in April, 2013 to **nine** programs. There were **eleven** programs with noncompliance; however **one** of those programs was no longer providing Early Intervention services in North Dakota and the other program is the program that is described above and already had an existing finding that was not corrected.

- As of September 5, 2013, the **nine** programs had corrected their noncompliance. Verification of the correction for the **nine** findings was made according to OSEP memo 09-02. Specifically, in each instance, the State verified that the EIS programs: (1) were correctly implementing the specific regulatory requirements (i.e., achieved 100% compliance) based on a review of updated data, via record review and State data system (**Prong 2**); and (2) corrected each individual case

of noncompliance, except for children who were no longer within the jurisdiction of the EIS program (**Prong 1**).

- As was noted earlier, the **one** program with an existing finding also corrected their noncompliance as of September 5, 2013. This program was again found to be noncompliant based on FFY 2012 data and will be issued a finding on this indicator. Currently, the following actions are occurring to address the identified noncompliance through the RAP process: mandatory technical assistance, mandatory case review of all initial, annual and periodic IFSP reviews, and information sharing and technical assistance to the administrator for service coordination in the region and the CEO of the provider agency.

**Revisions, with Justification, to Proposed Targets / Improvement Activities / Timelines / Resources for FFY 2012:**

It is the opinion of the State that our current Improvement Activities meet our needs at this time and no revision is required.

**Part C State Annual Performance Report (APR) for FFY 2012****Overview of the Annual Performance Report Development:**

Refer to pages 1-2 of this document

**Monitoring Priority: Effective General Supervision Part C / Effective Transition**

**Indicator 8:** Percentage of toddlers with disabilities exiting Part C with timely transition planning for whom the Lead Agency has:

**A. Developed an IFSP with transition steps and services at least 90 days, and at the discretion of all parties, not more than nine months, prior to the toddler's third birthday**

(20 U.S.C. 1416(a)(3)(B) and 1442)

**Measurement:**

Percent = [(# of toddlers with disabilities exiting Part C who have an IFSP with transition steps and services at least 90 days, and at the discretion of all parties not more than nine months, prior to their third birthday) divided by the (# of toddlers with disabilities exiting Part C)] times 100.

Account for untimely transition planning under 8A, including the reasons for delays.

<b>FFY</b>	<b>Measurable and Rigorous Target</b>
2012	100 percent of toddlers with disabilities exiting Part C had an IFSP with transition steps and services at least 90 days, and at the discretion of all parties not more than nine months, prior to their third birthday.

**Actual Target Data for FFY 2012:**

**96.6%** of toddlers with disabilities exiting Part C had an IFSP with transition steps and services at least 90 days, and at the discretion of all parties not more than nine months, prior to their third birthday.

The state used a full year of data from its electronic record system, Therap, to identify children whose records were reviewed to monitor for this indicator. Child records, representative of all **ten** programs, were pulled for review based on the size of the program. A state monitoring team reviewed the records using the state case review tool. A total of **145** records were reviewed.

Of the **145** records reviewed, **140** of the IFSPs reviewed did have steps and services at least 90 days, and at the discretion of all parties not more than nine months, prior to their third birthday, in accordance with the rigorous standards set by the state. **Five (5)** did not have steps and services that met the monitoring criteria.

**Children Exiting Part C Who Received Timely Transition Planning:**

a. Number of toddlers with disabilities exiting Part C who have an IFSP with transition steps and services at least 90 days, and at the discretion of all parties not more than nine months, prior to their third birthday	<b>140</b>
b. Number of children exiting Part C	<b>145</b>
Percent of toddlers with disabilities exiting Part C had an IFSP with transition steps and services at least 90 days, and at the discretion of all parties not more than nine months, prior to their third birthday (Percent = [(a) divided by (b)] times 100)	<b>96.6%</b>

**Discussion of Improvement Activities Completed and Explanation of Progress or Slippage that occurred for FFY 2012:**

***Improvement Activities:***

Improvement Activities 1, 2, 3, 5, 6, and 8 were reported as completed on earlier APR's. Improvement Activity 4 and 7 were discontinued in FFY 2010. Improvement Activity 9 was discontinued and combined with Improvement Activity 6 in an earlier APR. Improvement Activities 10 and 11 are reported below as completed. Improvement Activities 12, 13, and 14 will be completed by 6.30.14 as scheduled.

Activity	Timelines	Resources
10. Provide training and follow-up activities (i.e. program-to-program mentoring) on creating IFSP steps and services that address the requirements in 303.344 (h) in partnership with all members of the IFSP team.	Completed	Part C Coordinator, State TA, State Family Liaison
11. Conduct a collaborative case review on IFSP transition steps and services in all programs across the state.	Completed	Part C Coordinator, State TA
12. Update Early Intervention orientation modules on new transition guidelines.	6.30.14	Part C Coordinator, State TA

13. Implement an annual requirement for family training on transition in each region. Adapt or adjust EI orientation module for use during this training.	6.30.14	Part C Coordinator, State Family Liaison, State TA
14. Develop a statewide standardized LEA notification to be generated from Therap.	6.30.14	Part C Coordinator, SEA Representative, NDICC

***Explanation of Progress:***

North Dakota did not meet the **100%** target; however did show improvement for Indicator 8A. The state's performance increased from **59.7%** in FFY 2011 to **96.6%** in FFY 2012. Of the **ten** programs that were monitored, **nine** programs were at **100%**.

The state has continued to promote training on functional outcomes, including transition outcomes throughout the state during FFY 2012. There was improvement noted in the transition plans that were included within the IFSP's that were reviewed for this indicator. In the cases where there was noncompliance noted, there was no transition plan contained within the most current IFSP. As noted in the FFY 2011 APR, the state used highly rigorous standards for reviewing this indicator and included the related requirement of assuring the plan addressed child, family, and receiving agency needs. During the review of FFY 2012 data, the state tracked this related requirement for quality improvement purposes. Any identified need for improvement will be addressed through additional training, the determination process, and development of regional improvement plans.

Based on the FFY 2012 data, **nine** programs were at **100%** and will not receive findings. The **one** program that had noncompliance in FFY 2012:

- The **one** program that had noncompliance will be issued a letter of finding by April 1, 2014. The state will continue to track correction of noncompliance until verification is completed according to federal requirements for Prong 1 and Prong 2.

**Discussion of Noncompliance from FFY 2008, 2009, 2010**

The state issued findings for noncompliance found in FFY 2008, FFY 2009, and FFY 2010 in January, 2012 to **five** programs. As of January, 2013:

- As was reported in the FFY 2011 APR, **four** programs corrected timely within six months from the time that the finding was issued. Verification of the correction for the **four** findings was made according to OSEP memo 09-02. Specifically, in each instance, the State verified that the EIS programs: (1) were correctly implementing the specific regulatory requirements (i.e., achieved 100% compliance) based on a review of updated data, via record review and State data system (**Prong 2**); and (2) corrected each individual case of noncompliance, except for children who were no longer within the jurisdiction of the EIS program (**Prong 1**).

- There was **one** of these programs that continued in noncompliance at the time of the FFY 2011 reporting. This program corrected their noncompliance on September 5, 2012. Verification of the correction for this finding was made according to OSEP memo 09-02. Specifically, the State verified that the EIS program: (1) was correctly implementing the specific regulatory requirements (i.e., achieved 100% compliance) based on a review of updated data, via record review and State data system (**Prong 2**); and (2) corrected each individual case of noncompliance, except for children who were no longer within the jurisdiction of the EIS program (**Prong 1**).

### Discussion of Noncompliance from FFY 2011

The state issued findings for noncompliance found in FFY 2011 in April 2013 to **nine** programs. There were **eleven** programs with noncompliance; however one of those programs was no longer providing Early Intervention services in North Dakota and the other program is the program that is described above and already had an existing finding that was not corrected.

- As of September 5, 2013, **nine** programs corrected their noncompliance. Verification of the correction for the **nine** findings was made according to OSEP memo 09-02. Specifically, in each instance, the State verified that the EIS programs: (1) were correctly implementing the specific regulatory requirements (i.e., achieved 100% compliance) based on a review of updated data, via record review and State data system (**Prong 2**); and (2) corrected each individual case of noncompliance, except for children who were no longer within the jurisdiction of the EIS program (**Prong 1**).
- As was noted earlier, the one program with an existing finding also corrected their noncompliance as of September 5, 2013. This program was again found to be noncompliant based on FFY 2012 data and will be issued a finding on this indicator. Currently, the following actions are occurring to address the identified noncompliance through the RAP process: mandatory technical assistance, mandatory case review of all initial, annual and periodic IFSP reviews, and information sharing and technical assistance to the administrator for service coordination in the region and the CEO of the provider agency.

### Revisions, with Justification, to Proposed Targets / Improvement Activities / Timelines / Resources for FFY 2012:

#### ***Revision to Improvement Activities:***

It is the opinion of the State that our current Improvement Activities meet our needs at this time and no revision is required.

**Part C State Annual Performance Report (APR) for FFY 2012****Overview of the Annual Performance Report Development:****Monitoring Priority: Effective General Supervision Part C / Effective Transition**

**Indicator 8:** Percentage of toddlers with disabilities exiting Part C with timely transition planning for whom the Lead Agency has:

**B. Notified (consistent with any opt-out policy adopted by the State) the SEA and the LEA where the toddler resides at least 90 days prior to the toddler's third birthday for toddlers potentially eligible for Part B preschool services**

(20 U.S.C. 1416(a)(3)(B) and 1442)

**Measurement:**

Percent = [(# of toddlers with disabilities exiting Part C where notification (consistent with any opt-out policy adopted by the State) to the SEA and LEA occurred at least 90 days prior to their third birthday for toddlers potentially eligible for Part B preschool services) divided by the (# of toddlers with disabilities exiting Part C who were potentially eligible for Part B)] times 100.

Account for untimely transition planning under 8B, including the reasons for delays.

FFY	Measurable and Rigorous Target
2012	100% of toddlers with disabilities exiting Part C with timely transition planning for whom the Lead Agency has notified (consistent with any opt-out policy adopted by the State) the SEA and the LEA where the toddler resides at least 90 days prior to the toddler's third birthday for toddlers potentially eligible for Part B preschool services.

**Actual Target Data for FFY 2012:**

LEA received notification of **85.5%** of children exiting Part C who are potentially eligible at least 90 days prior to their third birthday. SEA received notification of **100%** of all children exiting Part C who were potentially eligible on 1/16/2014.

The state used a full year of data from its electronic record system, Therap, to identify children whose records were reviewed to monitor for the presence of the notification to the LEA. Child records, representative of all **ten** programs, were pulled for review

based on the size of the program. A state monitoring team reviewed the records using the state case review tool. A total of **145** records were reviewed.

Of the **145** records reviewed, **124** of the records contained a notification. **Twenty-one (21)** records did not contain a notification.

The SEA received notice of all children exiting who were potentially eligible in FFY 2012, including the **145** mentioned above, as agreed upon in the Interagency Agreement.

**Children Exiting Part C who received Timely Transition Planning (Notification to LEA):**

a. Number of children exiting Part C and potentially eligible for Part B where the notification to the LEA occurred	<b>124</b>
b. Number of children exiting Part C who were potentially eligible for Part B	<b>145</b>
Percent of all children exiting Part C who received timely transition planning to support the child's transition to preschool and other appropriate community services by their third birthday (Notification to LEA) (Percent = [(a) divided by (b)] times 100)	<b>85.5%</b>

**Discussion of Improvement Activities Completed and Explanation of Progress or Slippage that occurred for FFY 2012:**

***Improvement Activities:***

Improvement Activities 1, 2, 3, 5, 6, and 8 were reported as completed on earlier APR's. Improvement Activity 4 and 7 were discontinued in FFY 2010. Improvement Activity 9 was discontinued and combined with Improvement Activity 6 in an earlier APR. Improvement Activities 10 and 11 are reported below as completed. Improvement Activities 12, 13, and 14 will be completed by 6.30.14 as scheduled.

Activity	Timelines	Resources
10. Provide training and follow-up activities (i.e. program-to-program mentoring) on creating IFSP steps and services that address the requirements in 303.344 (h) in partnership with all members of the IFSP team.	Completed	Part C Coordinator, State TA, State Family Liaison
11. Conduct a collaborative case review on IFSP transition steps and services in all programs across the state.	Completed	Part C Coordinator, State TA



12. Update Early Intervention orientation modules on new transition guidelines.	6.30.14	Part C Coordinator, State TA
13. Implement an annual requirement for family training on transition in each region. Adapt or adjust EI orientation module for use during this training.	6.30.14	Part C Coordinator, State Family Liaison, State TA
14. Develop a statewide standardized LEA notification to be generated from Therap.	6.30.14	Part C Coordinator, SEA Representative, NDICC

***Explanation of Progress:***

North Dakota's performance on this indicator has improved from **64.3%** in FFY 2011 to **85.6%** in FFY 2012. While the state did not meet the federal target of **100%**, the state made improvement in this indicator. North Dakota had **two** programs that had **100%** performance and **two** programs that had less than **80%** compliance (**73.3%**, **46.7%**). Without including these latter **two** programs, the state would be at **92.2%** performance.

The state has implemented data guidance instruction that has assisted with assuring that the LEA notification is documented in the electronic record. In addition, changes to Therap, the electronic record system, were made to assure that the date of the LEA notification is documented, as well as a decision made on opting out of notification by the parent(s). This change occurred in January, 2013. Training on the opt-out option and on the data guidance document has resulted in the improvement noted in this indicator.

Based on the FFY 2012 data, **eight** programs had noncompliance:

- The **eight** programs that had noncompliance will be issued letters of findings by April 1, 2014. The state will continue to track correction of noncompliance until verification is completed according to federal requirements for Prong 1 and Prong 2.

The Memorandum of Understanding between ND Part C and Part B was finalized in October 2013; the first catchment of data for transition was completed in January 2014, which is when the list of the toddlers who were potentially eligible and exited from Part C was available to send to the SEA. As per the MOU, this list is to be sent on a quarterly basis to the SEA, however, Part C is reconsidering that timeline, due to the implementation of an Opt-Out Policy in June 2013, to ensure the SEA has notification at least 90 days prior to the toddler's third birthday.

**Discussion of Noncompliance from FFY 2008, 2009, 2010**

The state issued findings for noncompliance found in FFY 2008, FFY 2009, and FFY 2010 in January, 2012 to **ten** programs. As of January, 2013:

- As was reported in the FFY 2011 APR, **nine** programs corrected timely within six months from the time that the finding was issued. Verification of the correction for the **nine** findings was made according to OSEP memo 09-02. Specifically, in each instance, the State verified that the EIS programs: (1) were correctly implementing the specific regulatory requirements (i.e., achieved 100% compliance) based on a review of updated data, via record review and State data system (**Prong 2**); and (2) corrected each individual case of noncompliance, except for children who were no longer within the jurisdiction of the EIS program (**Prong 1**).
- There was **one** of these programs that continued in noncompliance at the time of the FFY 2011 reporting. This program corrected their noncompliance on September 5, 2012. Verification of the correction for this finding was made according to OSEP memo 09-02. Specifically, the State verified that the EIS program: (1) was correctly implementing the specific regulatory requirements (i.e., achieved 100% compliance) based on a review of updated data, via record review and State data system (**Prong 2**); and (2) corrected each individual case of noncompliance, except for children who were no longer within the jurisdiction of the EIS program (**Prong 1**).

#### Discussion of Noncompliance from FFY 2011

The state issued findings for noncompliance found in FFY 2011 in April 2013 to **nine** programs. There were **eleven** programs with noncompliance; however **one** of those programs was no longer providing Early Intervention services in North Dakota and the other program is the program that is described above and already had an existing finding that was not corrected.

- As of September 5, 2013, **nine** programs corrected their noncompliance. Verification of the correction for the **nine** findings was made according to OSEP memo 09-02. Specifically, in each instance, the State verified that the EIS programs: (1) were correctly implementing the specific regulatory requirements (i.e., achieved 100% compliance) based on a review of updated data, via record review and State data system (**Prong 2**); and (2) corrected each individual case of noncompliance, except for children who were no longer within the jurisdiction of the EIS program (**Prong 1**).
- As was noted earlier, the one program with an existing finding also corrected their noncompliance as of September 5, 2013. This program was again found to be noncompliant based on FFY 2012 data and will be issued a finding on this indicator. Currently, the following actions are occurring to address the identified noncompliance through the RAP process: mandatory technical assistance, mandatory case review of all initial, annual and periodic IFSP reviews, and information sharing and technical assistance to the administrator for service coordination in the region and the CEO of the provider agency.

#### Revisions, with Justification, to Proposed Targets / Improvement Activities / Timelines / Resources for FFY 2012:

It is the opinion of the State that our current Improvement Activities meet our needs at this time and no revision is required.

**Part C State Annual Performance Report (APR) for FFY 2012****Overview of the Annual Performance Report Development:****Monitoring Priority: Effective General Supervision Part C / Effective Transition**

**Indicator 8:** Percentage of toddlers with disabilities exiting Part C with timely transition planning for whom the Lead Agency has:

**C. Conducted the transition conference held with the approval of the family at least 90 days, and at the discretion of all parties, not more than nine months, prior to the toddler's third birthday for toddlers potentially eligible for Part B preschool services.**

(20 U.S.C. 1416(a)(3)(B) and 1442)

**Measurement:**

Percent = [(# of toddlers with disabilities exiting Part C where the transition conference occurred at least 90 days, and at the discretion of all parties not more than nine months prior to the toddler's third birthday for toddlers potentially eligible for Part B) divided by the (# of toddlers with disabilities exiting Part C who were potentially eligible for Part B)] times 100.

Account for untimely transition planning under 8C, including the reasons for delays.

<b>FFY</b>	<b>Measurable and Rigorous Target</b>
2012	100 percent of children exiting Part C and potentially eligible for Part B will have a transition conference 90 days before their 3 <sup>rd</sup> birthday.

**Actual Target Data for FFY 2012:**

**96.5%** percent of children exiting Part C and potentially eligible for Part B had a transition conference.

The state used a full year of data from its electronic record system, Therap, to identify children whose records were reviewed to monitor for this indicator. Child records, representative of all ten programs, were pulled for review based on the size of the program. A state monitoring team reviewed the records using the state case review tool. A total of **145** records were reviewed.

Of the **145** records reviewed, **139** of the records demonstrated completion of a transition conference prior to 90 days before the child's third birthday. Of the **seven** meetings held late, **one** meeting was due to family reason. The remaining **six** meetings that were late were due to program reasons.

**Children Exiting Part C who received Timely Transition Planning (Transition Conference):**

a. Number of children exiting Part C and potentially eligible for Part B where the transition conference occurred	<b>140</b>
b. Number of children exiting Part C who were potentially eligible for Part B	<b>145</b>
Percent of all children exiting Part C who received timely transition planning to support the child's transition to preschool and other appropriate community services by their third birthday (Transition Conference) (Percent = [(a) divided by (b)] times 100)	<b>96.5%</b>

**Discussion of Improvement Activities Completed and Explanation of Progress or Slippage that occurred for FFY 2012:**

***Improvement Activities:***

Improvement Activities 1, 2, 3, 5, 6, and 8 were reported as completed on earlier APR's. Improvement Activity 4 and 7 were discontinued in FFY 2010. Improvement Activity 9 was discontinued and combined with Improvement Activity 6 in an earlier APR. Improvement Activities 10 and 11 are reported below as completed. Improvement Activities 12, 13, and 14 will be completed by 6.30.14 as scheduled.

Activity	Timelines	Resources
10. Provide training and follow-up activities (i.e. program-to-program mentoring) on creating IFSP steps and services that address the requirements in 303.344 (h) in partnership with all members of the IFSP team.	Completed	Part C Coordinator, State TA, State Family Liaison
11. Conduct a collaborative case review on IFSP transition steps and services in all programs across the state.	Completed	Part C Coordinator, State TA
12. Update Early Intervention orientation modules on new transition guidelines.	6.30.14	Part C Coordinator, State TA
13. Implement an annual	6.30.14	Part C Coordinator, State Family

requirement for family training on transition in each region. Adapt or adjust EI orientation module for use during this training.		Liaison, State TA
14. Develop a statewide standardized LEA notification to be generated from Therap.	6.30.14	Part C Coordinator, SEA Representative, NDICC

***Explanation of Progress:***

North Dakota's performance on this indicator has improved from **92.1%** in FFY 2011 to **96.5%** in FFY 2012. While the state did not meet the federal target of **100%**, the state made improvement in this indicator. North Dakota had **six** programs that had **100%** performance.

Based on the FFY 2012 data, **four** programs had noncompliance:

- The **four** programs that had noncompliance will be issued letters of findings by April 1, 2014. The state will continue to track correction of noncompliance until verification is completed according to federal requirements for Prong 1 and Prong 2.

**Discussion of Noncompliance from FFY 2008, 2009, 2010**

The state issued findings for noncompliance found in FFY 2008, FFY 2009, and FFY 2010 in January, 2012 to **three** programs:

- As was reported in the FFY 2011 APR, **two** programs corrected timely within six months from the time that the finding was issued. Verification of the correction for the **two** findings was made according to OSEP memo 09-02. Specifically, in each instance, the State verified that the EIS programs: (1) were correctly implementing the specific regulatory requirements (i.e., achieved 100% compliance) based on a review of updated data, via record review and State data system (**Prong 2**); and (2) corrected each individual case of noncompliance, except for children who were no longer within the jurisdiction of the EIS program (**Prong 1**).
- There was **one** of these programs that continued in noncompliance at the time of the FFY 2011 reporting. This program corrected their noncompliance on September 5, 2012. Verification of the correction for this finding was made according to OSEP memo 09-02. Specifically, the State verified that the EIS program: (1) was correctly implementing the specific regulatory requirements (i.e., achieved 100% compliance) based on a review of updated data, via record review and State data system (**Prong 2**); and (2) corrected each individual case of noncompliance, except for children who were no longer within the jurisdiction of the EIS program (**Prong 1**).

**Discussion of Noncompliance from FFY 2011:**

The state issued findings for noncompliance found in FFY 2011 in April, 2013 to **one** program. There were **two** programs with noncompliance; however the program that is described above and already had an existing finding that was not corrected and was not issued a finding.

- As of September 5, 2013, the **one** program corrected their noncompliance. Verification of the noncompliance for the **one** finding was made according to OSEP memo 09-02. Specifically the State verified that the EIS program: (1) was correctly implementing the specific regulatory requirements (i.e., achieved 100% compliance) based on a review of updated data, via record review and State data system (**Prong 2**); and (2) corrected each individual case of noncompliance, except for children who were no longer within the jurisdiction of the EIS program (**Prong 1**).
- As was noted earlier, the one program with an existing finding also corrected their noncompliance as of September 5, 2013. This program was again found to be noncompliant based on FFY 2012 data and will be issued a finding on this indicator. Currently, the following actions are occurring to address the identified noncompliance through the RAP process: mandatory technical assistance, mandatory case review of all initial, annual and periodic IFSP reviews, and information sharing and technical assistance to the administrator for service coordination in the region and the CEO of the provider agency.

**Revisions, with Justification, to Proposed Targets / Improvement Activities / Timelines / Resources for FFY 2012:**

It is the opinion of the State that our current Improvement Activities meet our needs at this time and no revision is required.

**Part C State Annual Performance Report (APR) for FFY 2012****Overview of the Annual Performance Report Development:**

Refer to pages 1-2 of this document

**Monitoring Priority: Effective General Supervision Part C / General Supervision**

**Indicator 9:** General supervision system (including monitoring, complaints, hearings, etc.) identifies and corrects noncompliance as soon as possible but in no case later than one year from identification.

(20 U.S.C. 1416(a)(3)(B) and 1442)

**Measurement:**

Percent of noncompliance corrected within one year of identification:

- a. # of findings of noncompliance.
- b. # of corrections completed as soon as possible but in no case later than one year from identification.

Percent = [(b) divided by (a)] times 100.

States are required to use the “Indicator C9 Worksheet” to report data for this indicator (see Attachment 1).

FFY	Measurable and Rigorous Target
2012	100 percent of all findings of non-compliance will be corrected as soon as possible but in no case later than 1 year from identification.

North Dakota acknowledges that findings issued in January 2012, were to address noncompliance for FFY 2008, FFY 2009, and FFY 2010. Thus, the findings for these three years were issued in FFY 2011 and can be reported on in this APR.

From FFY 2010 performance and on, timely findings have been, and continue to be issued. The State has a system in place with written policies and procedures to ensure that when non-compliance is found, findings are issued and correction verified in a timely manner.

## Actual Target Data for FFY 2012:

## INDICATOR C-9 WORKSHEET

Indicator/Indicator Clusters	General Supervision System Components	# of EIS Programs Issued Findings in FFY 2011 (7/1/11 to 6/30/12)	(a) # of Findings of noncompliance identified in FFY 2011 (7/1/11 to 6/30/12)	(b) # of Findings of noncompliance from (a) for which correction was verified no later than one year from identification
1. Percent of infants and toddlers with IFSPs who receive the early intervention services on their IFSPs in a timely manner	Monitoring Activities: Self-Assessment/ Local APR, Data Review, Desk Audit, On-Site Visits, or Other	9	9	8
	Dispute Resolution: Complaints, Hearings	0	0	0
2. Percent of infants and toddlers with IFSPs who primarily receive early intervention services in the home or community-based settings	Monitoring Activities: Self-Assessment/ Local APR, Data Review, Desk Audit, On-Site Visits, or Other	0	0	0
	Dispute Resolution: Complaints, Hearings	0	0	0
3. Percent of infants and toddlers with IFSPs who demonstrate improved outcomes	Monitoring Activities: Self-Assessment/ Local APR, Data Review, Desk Audit, On-Site Visits, or Other	0	0	0
	Dispute Resolution: Complaints, Hearings	0	0	0
4. Percent of families participating in Part C who report that early intervention services have helped the family	Monitoring Activities: Self-Assessment/ Local APR, Data Review, Desk Audit, On-Site Visits, or Other	0	0	0



# APR Template – Part C (4)

North Dakota  
State

Indicator/Indicator Clusters	General Supervision System Components	# of EIS Programs Issued Findings in FFY 2011 (7/1/11 to 6/30/12)	(a) # of Findings of noncompliance identified in FFY 2011 (7/1/11 to 6/30/12)	(b) # of Findings of noncompliance from (a) for which correction was verified no later than one year from identification
	Dispute Resolution: Complaints, Hearings	0	0	0
5. Percent of infants and toddlers birth to 1 with IFSPs	Monitoring Activities: Self-Assessment/ Local APR, Data Review, Desk Audit, On-Site Visits, or Other	0	0	0
6. Percent of infants and toddlers birth to 3 with IFSPs	Dispute Resolution: Complaints, Hearings	0	0	0
7. Percent of eligible infants and toddlers with IFSPs for whom an initial evaluation and initial assessment and an initial IFSP meeting were conducted within Part C's 45-day timeline.	Monitoring Activities: Self-Assessment/ Local APR, Data Review, Desk Audit, On-Site Visits, or Other	10	10	9
	Dispute Resolution: Complaints, Hearings	0	0	0
8. Percentage of toddlers with disabilities exiting Part C with timely transition planning for whom the Lead Agency has: A. Developed an IFSP with transition steps and services at least 90 days, and at the discretion of all parties, not more than nine months, prior to the toddler's third birthday:	Monitoring Activities: Self-Assessment/ Local APR, Data Review, Desk Audit, On-Site Visits, or Other	5	5	4
	Dispute Resolution: Complaints, Hearings	0	0	0
8. Percentage of toddlers with disabilities exiting Part C with timely transition planning for whom the lead agency has: B. Notified (consistent with any opt-out policy adopted	Monitoring Activities: Self-Assessment/ Local APR, Data Review, Desk Audit, On-Site Visits, or Other	10	10	9

## APR Template – Part C (4)

North Dakota  
State

Indicator/Indicator Clusters	General Supervision System Components	# of EIS Programs Issued Findings in FFY 2011 (7/1/11 to 6/30/12)	(a) # of Findings of noncompliance identified in FFY 2011 (7/1/11 to 6/30/12)	(b) # of Findings of noncompliance from (a) for which correction was verified no later than one year from identification
by the State) the SEA and the LEA where the child resides at least 90 days prior to the toddler's third birthday for toddlers potentially eligible for Part B preschool services; and	Dispute Resolution: Complaints, Hearings	0	0	0
8. Percentage of toddlers with disabilities exiting Part C with timely transition planning for whom the Lead Agency has: C. Conducted the transition conference held with the approval of the family at least 90 days, and at the discretion of all parties, not more than nine months, prior to the toddler's third birthday for toddlers potentially eligible for Part B preschool services.	Monitoring Activities: Self-Assessment/ Local APR, Data Review, Desk Audit, On-Site Visits, or Other	3	3	2
	Dispute Resolution: Complaints, Hearings			
Sum the numbers down Column a and Column b			37	32

$$86.5\% = (32/37 \times 100)$$

While North Dakota didn't meet the federal requirement of **100%** compliance, it is reporting significant improvement over FFY 2011, where **0%** was reported. In FFY 2012, **86.5** of all findings were identified, issued and verification of correction was completed timely.

**Discussion of Improvement Activities Completed and Explanation of Progress or Slippage that occurred for 2012:**

**Improvement Activities:**

Improvement Activities 1, 2, 3, 5, 6, 7, 8, 9, 10, 12 & 13 were reported as completed on previous APRs. Improvement Activities 10A and 11 were discontinued in previous APRs. Improvement Activity 4 isn't due for completion until 6.30.14.

4. Review and update all Part C contracts to assure that Part C rules and state guidelines are integral to the contract.	6.30.14	Part C Coordinator
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**Explanation of Progress:****Discussion of Noncompliance from FFY 2008, 2009, 2010**

In January, 2012 (FFY 2011), **37** letters of findings were issued to address noncompliance in FFY 2008, FFY 2009, and FFY 2010.

As of submission of the FFY 2011 APR, **32** of the **37** findings were verified as corrected according to both Prongs of correction as required. Verification of noncompliance for all findings was made according to OSEP memo 09-02. Specifically, in each instance, the State verified that the EIS programs: (1) were correctly implementing the specific regulatory requirements (i.e., achieved 100% compliance) based on a review of updated data, via record review and State data system (**Prong 2**); and (2) corrected each individual case of noncompliance, except for children who were no longer within the jurisdiction of the EIS program (**Prong 1**).

The **five** remaining findings were all within **one** program. **Prong 1** was verified as corrected, as the EIS program corrected each individual case of noncompliance, except for children who were no longer within their jurisdiction. However, **Prong 2** was not verified as corrected, as the EIS program had not shown that it was correctly implementing the specific regulatory requirements (i.e. achieved 100% compliance) based on a review of updated data, via record review and State data system. The following actions occurred to address the continuing noncompliance with this program through the RAP process including: mandatory technical assistance, mandatory case review of all initial, annual and periodic reviews, and discussion with administrator for service coordination in the region and the CEO of the provider agency. Verification of correction for this EIS program occurred September 5, 2013.

On September 5, 2013, although late, the **five** remaining findings were verified as corrected as required in **Prong 2** of OSEP memo 09-02. This verification documents full correction (both prongs according to OSEP memo 09-02) for all remaining non-compliance from FFY 2008, FFY 2009, and FFY 2010.

**Indicator 1**

The state issued findings for noncompliance found in FFY 2008, FFY 2009, and FFY 2010 in January, 2012 to **nine** programs.

- As was reported in the FFY 2011 APR, **eight** programs corrected their noncompliance within six months of the time the finding was issued. Verification of the correction for the eight findings was made according to OSEP memo 09-02. Specifically, in each instance, the State verified that the EIS programs: (1) were correctly implementing the specific regulatory requirements (i.e., achieved 100% compliance) based on a review of updated data, via record review and State data system (**Prong 2**); and (2) corrected each individual case of noncompliance, except for children who were no longer within the jurisdiction of the EIS program (**Prong 1**).
- There was **one** of the nine programs that continued in noncompliance at the time of the FFY 2011 reporting. This program corrected their noncompliance on September 5, 2013. Verification of the correction for the finding was made according to OSEP memo 09-02. Specifically, in this instance, the State verified that the EIS program: (1) was correctly implementing the specific regulatory requirements (i.e., achieved 100% compliance) based on a review of updated data, via record review and State data system (**Prong 2**); and (2) corrected each individual case of noncompliance, except for children who were no longer within the jurisdiction of the EIS program (**Prong 1**). This program had full compliance on their FFY 2011 and FFY 2012 data for this indicator as well.

#### **Indicator 7**

The state issued findings for noncompliance found in FFY 2008, FFY 2009, and FFY 2010 in January, 2012 to **ten** programs. As of January, 2013:

- As was reported in the FFY 2011 APR, nine programs corrected their noncompliance within six months of the time the finding was issued. Verification of the correction for the eight findings was made according to OSEP memo 09-02. Specifically, in each instance, the State verified that the EIS programs: (1) were correctly implementing the specific regulatory requirements (i.e., achieved 100% compliance) based on a review of updated data, via record review and State data system (**Prong 2**); and (2) corrected each individual case of noncompliance, except for children who were no longer within the jurisdiction of the EIS program (**Prong 1**).
- There was **one** of the nine programs that continued in noncompliance at the time of the FFY 2011 reporting. This program corrected their noncompliance on September 5, 2013. Verification of the correction for the finding was made according to OSEP memo 09-02. Specifically, in this instance, the State verified that the EIS program: (1) was correctly implementing the specific regulatory requirements (i.e., achieved 100% compliance) based on a review of updated data, via record review and State data system (**Prong 2**); and (2) corrected each individual case of noncompliance, except for children who were no longer within the jurisdiction of the EIS program (**Prong 1**).

#### **Indicator 8a**

The state issued findings for noncompliance found in FFY 2008, FFY 2009, and FFY 2010 in January, 2012 to **five** programs. As of January, 2013:

- As was reported in the FFY 2011 APR, **four** programs corrected timely within six months from the time that the finding was issued. Verification of the correction for the **four** findings was made according to OSEP memo 09-02. Specifically, in each instance, the State verified that the EIS programs: (1) were correctly implementing the specific regulatory requirements (i.e., achieved 100% compliance) based on a review of updated data, via record review and State data system (**Prong 2**); and (2) corrected each individual case of noncompliance, except for children who were no longer within the jurisdiction of the EIS program (**Prong 1**).
- There was **one** of these programs that continued in noncompliance at the time of the FFY 2011 reporting. This program corrected their noncompliance on September 5, 2012. Verification of the correction for this finding was made according to OSEP memo 09-02. Specifically, the State verified that the EIS program: (1) was correctly implementing the specific regulatory requirements (i.e., achieved 100% compliance) based on a review of updated data, via record review and State data system (**Prong 2**); and (2) corrected each individual case of noncompliance, except for children who were no longer within the jurisdiction of the EIS program (**Prong 1**).

**Indicator 8b**

The state issued findings for noncompliance found in FFY 2008, FFY 2009, and FFY 2010 in January, 2012 to **ten** programs. As of January, 2013:

- As was reported in the FFY 2011 APR, **nine** programs corrected timely within six months from the time that the finding was issued. Verification of the correction for the **nine** findings was made according to OSEP memo 09-02. Specifically, in each instance, the State verified that the EIS programs: (1) were correctly implementing the specific regulatory requirements (i.e., achieved 100% compliance) based on a review of updated data, via record review and State data system (**Prong 2**); and (2) corrected each individual case of noncompliance, except for children who were no longer within the jurisdiction of the EIS program (**Prong 1**).
- There was **one** of these programs that continued in noncompliance at the time of the FFY 2011 reporting. This program corrected their noncompliance on September 5, 2012. Verification of the correction for this finding was made according to OSEP memo 09-02. Specifically, the State verified that the EIS program: (1) was correctly implementing the specific regulatory requirements (i.e., achieved 100% compliance) based on a review of updated data, via record review and State data system (**Prong 2**); and (2) corrected each individual case of noncompliance, except for children who were no longer within the jurisdiction of the EIS program (**Prong 1**).

**Indicator 8c**

The state issued findings for noncompliance found in FFY 2008, FFY 2009, and FFY 2010 in January, 2012 to **three** programs:

- As was reported in the FFY 2011 APR, **two** programs corrected timely within six months from the time that the finding was issued. Verification of

the correction for the **two** findings was made according to OSEP memo 09-02. Specifically, in each instance, the State verified that the EIS programs: (1) were correctly implementing the specific regulatory requirements (i.e., achieved 100% compliance) based on a review of updated data, via record review and State data system (**Prong 2**); and (2) corrected each individual case of noncompliance, except for children who were no longer within the jurisdiction of the EIS program (**Prong 1**).

- There was **one** of these programs that continued in noncompliance at the time of the FFY 2011 reporting. This program corrected their noncompliance on September 5, 2012. Verification of the correction for this finding was made according to OSEP memo 09-02. Specifically, the State verified that the EIS program: (1) was correctly implementing the specific regulatory requirements (i.e., achieved 100% compliance) based on a review of updated data, via record review and State data system (**Prong 2**); and (2) corrected each individual case of noncompliance, except for children who were no longer within the jurisdiction of the EIS program (**Prong 1**).

**Revisions, with Justification, to Proposed Targets / Improvement Activities / Timelines / Resources for 2012:**

It is the opinion of the State that our current Improvement Activities meet our needs at this time and no revision is required.

## Part C State Annual Performance Report (APR) for FFY 2012

### Overview of the Annual Performance Report Development:

**Monitoring Priority: Effective General Supervision Part C / General Supervision**

**Indicator 12:** Percent of hearing requests that went to resolution sessions that were resolved through resolution session settlement agreements (applicable if Part B due process procedures are adopted).

(20 U.S.C. 1416(a)(3)(B) and 1442)

**Measurement:** Percent = (3.1(a) divided by 3.1) times 100.

**\*Not Applicable as Part B due process is not utilized**

**Part C State Annual Performance Report (APR) for FFY 2012****Overview of the Annual Performance Report Development:**

Refer to pages 1-2 of this document

**Monitoring Priority: Effective General Supervision Part C / General Supervision****Indicator 13:** Percent of mediations held that resulted in mediation agreements.

(20 U.S.C. 1416(a)(3)(B) and 1442)

**Measurement:** Percent = [(2.1(a)(i) + 2.1(b)(i)) divided by 2.1] times 100.

FFY	Measurable and Rigorous Target
2012	*Targets will be set after 10 Mediations are held

**Actual Target Data for FFY 2012:**

No requests for mediations received during FFY 2012.

**Discussion of Improvement Activities Completed and Explanation of Progress or Slippage that occurred for FFY 2012:****Improvement Activities:**

Improvement Activities 1, 2, and 3 were reported completed on previous APRs.

Activity	Timelines	Resources
4. Modify Improvement Activities after a mediation is held	After mediation is held.	Part C Coordinator, NDICC
5. Set Targets	After 10 mediation requests are held.	Part C Coordinator, NDICC

**Revisions, with Justification, to Proposed Targets / Improvement Activities / Timelines / Resources for FFY 2012:**

It is the opinion of the State that our current Improvement Activities meet our needs at this time and no revision is required.



**Part C State Annual Performance Report (APR) for FFY 2012****Overview of the Annual Performance Report Development:**

Refer to pages 1-2 of this document

**Monitoring Priority: Effective General Supervision Part C / General Supervision**

**Indicator 14:** State reported data (618 and State Performance Plan and Annual Performance Report) are timely and accurate.

(20 U.S.C. 1416(a)(3)(B) and 1442)

**Measurement:** State reported data, including 618 data, State performance plan, and annual performance reports, are:

- a. Submitted on or before due dates (February 1 for child count, including race and ethnicity, settings and November 1 for exiting, personnel, dispute resolution); and
- b. Accurate, including covering the correct year and following the correct measurement.

As stated in the Indicator Measurement Table, States may, but are not required, to report data for this indicator. OSEP will use the Indicator 14 Rubric to calculate the State's data for this indicator. States will have an opportunity to review and respond to OSEP's calculation of the State's data.

FFY	Measurable and Rigorous Target
2012	100 percent of all required reports will be accurate and submitted on or before due dates.

**Actual Target Data for FFY 2012:**

$$98.3\% = 60.8/62 \times 100$$

**Discussion of Improvement Activities Completed and Explanation of Progress or Slippage that occurred for FFY 2012:****Improvement Activities:**

Improvement Activities 1, 2, 3, 5, 6, & 7 were previously reported completed.  
Improvement Activities 4 & 8 were discontinued in previous APRs.

***Explanation of Progress:***

North Dakota's performance for this indicator was **98.3%** for FFY 2012. This represents progress, as North Dakota's performance for this indicator was **93%** in FFY 2011.

**Revisions, with Justification, to Proposed Targets / Improvement Activities / Timelines / Resources for FFY 2012:**

It is the opinion of the State that our current Improvement Activities meet our needs at this time and no revision is required